Chapter

3

SCOPE/APPLICABILITY OF THE PROPOSED REGULATION

Over half of the comments received on the original proposal and the notice of data availability related to the applicability of this rule. EPA has reviewed these comments and is proposing a revised scope for this rule. The vast majority of these issues are discussed in the following chapter.

APPLICABILITY *3.1*

The universe of facilities which would be potentially subject to this guideline include the following. First, EPA is proposing to establish limitations and pretreatment standards for stand-alone waste treatment and recovery facilities receiving materials from off-site -- classic "centralized waste treaters." These facilities may treat and/or recover or recycle hazardous or non-hazardous waste, hazardous or non-hazardous wastewater, and/or used material from off-site. Second, industrial facilities which process their own, on-site generated, process wastewater with hazardous or non-hazardous wastes, wastewaters, and/or used material received from off-site, in certain circumstances may be subject to this proposal with respect to a portion of their discharge.

The wastewater flows which EPA is proposing to regulate include some or all off-site waste receipts and on-site wastewater generated as a result of centralized waste treatment operations. The kinds of on-site wastewater generated at these facilities would include, for example, solubilization wastewater, emulsion breaking/gravity separation wastewater, used oil processing wastewater, treatment equipment washes, transport washes (tanker truck, drum, and roll-off boxes), laboratory-derived wastewater, air pollution control wastewater, industrial waste combustor wastewater from on-site industrial waste combustors, landfill wastewater from on-site landfills, and contaminated stormwater. A detailed discussion of CWT wastewaters is provided in Chapter 4.

Facilities Subject to 40 CFR (Parts 400 to 471) *3.1.1*

At the time of the original proposal, EPA defined a centralized waste treatment facility as any facility which received waste from off-site for treatment or recovery on a commercial or non-commercial basis. Non-commercial facilities were defined as facilities that accept off-site wastes from facilities under the same ownership. EPA received many comments concerning the applicability of the CWT rule to facilities that perform waste treatment and/or recovery of off-site generated wastes, but whose primary business is something other than waste treatment or recovery. These facilities are generally manufacturers who treat wastes generated as a result of their on-site manufacturing operations and whose wastewater discharges are already subject to existing effluent guidelines and standards. Many of these facilities also accept off-site generated wastes for treatment. In some instances, these off-site wastes received at these industrial facilities are generated by a facility under the same corporate ownership -- intracompany transfer -- and treated on a non-commercial basis. In other instances, the off-site waste streams originate from a company under a different ownership, an intercompany transfer.

In general, commenters urged that the scope of the guideline should be limited to facilities

whose sole purpose is the treatment of off-site wastes and wastewater. Reasons provided by commenters for limiting the scope of the guideline in this manner include:

- The wastes transferred from different locations within a company (and different companies) for treatment with on-site wastes are usually generated from the same categorical process as the on-site generated wastes. Since most of these facilities are already covered by an existing effluent guideline, coverage of these wastestreams is redundant. Monitoring, record keeping, etc. would be duplicative.
- This proposed rule will prevent effective waste management practices at many manufacturing facilities. Currently, many companies operate a single, central treatment plant and transport waste from "satellite" facilities to the central treatment facility. This allows for effective treatment while controlling costs. Additionally, many facilities transfer a specific wastestream to other company owned treatment systems (intracompany) that are designed for the most efficient treatment of that type of wastestream.
- Many of these types of facilities only accept wastestreams which are comparable and compatible with the on-site generated process wastestreams.
- These facilities are not primarily in the business of waste treatment. Only a small percentage of wastes treated are from off-site.
- EPA has not performed the technical analyses that are necessary to support application of the CWT rule to manufacturing facilities regulated by existing effluent guidelines and pretreatment standards.

EPA reexamined the database of facilities which form the basis of the CWT rule. EPA's database contains information on 17 manufacturing facilities which commingle waste generated by on-site manufacturing activities for treatment with waste generated off-site and one manufacturing facility which does not commingle waste generated by on-site manufacturing activities for treatment with waste generate off-site. Nine of these facilities treat waste on a non-commercial basis only and nine treat waste on a commercial basis. Of the eighteen facilities, eight facilities only accept and treat off-site wastes which are from the same categorical process as the on-site generated wastestreams. Ten of the facilities, however, accept off-site wastes which are not subject to the same categorical standards as the on-site generated wastewater. The percentage of off-site wastewaters being commingled for treatment with on-site wastewater varies from 0.06% to 80% with the total volumes varying between 87,000 gallons per year to 381 million gallons per year.

The guidelines, as proposed in 1995, would have included both types of facilities within the scope of this rule. EPA included these facilities in the 1995 proposed CWT rule to ensure that all wastes receive adequate treatment -- even those shipped between facilities already subject to existing effluent limitations guidelines and standards (ELGs). EPA agrees that, for off-site wastes which are generated by the same categorical process as on-site generated wastes, intracompany and intercompany transfers are a viable and often preferable method to treat wastestreams efficiently at a reduced cost. EPA does not want to discourage these management practices. EPA is still concerned, however, that the effluent limitations and categorical standards currently in place may not ensure adequate treatment in circumstances where the off-site generated wastes are not from the same categorical group as the on-site generated wastes.

It is not duplicative to include within the scope of the CWT guideline, wastewater that results from the treatment of off-site wastes not subject to the guidelines and standards applicable to the treatment of wastewater generated on-site. Additionally, even though the primary business at these facilities is not the treatment of off-site wastes, EPA does not believe that the burden to these facilities exceeds that of the facilities whose primary business is the treatment of off-site wastes. EPA has included these facilities in all of its economic analyses.

Therefore, based on the Agency's evaluation of the comments submitted on its earlier proposal and consideration of additional information, EPA proposes to include within the scope of the CWT rule wastewater received from off-site (and commingled for treatment with on-site wastewater) at facilities subject to effluent limitations guidelines for existing source, standards of performance for new sources and pretreatment standards for new and existing sources unless all of the following conditions are met:

- The receiving facility is subject to national effluent limitations guidelines for existing sources, standards of performance for new sources, or pretreatment standards for new and existing sources; and
- The wastes received from off-site for treatment would be subject to the same national effluent limitations guidelines for existing sources, standards of performance for new sources, or pretreatment standards for new and existing sources as the on-site generated wastes.

For purposes of developing its effluent limitations and pretreatment standards, EPA has included manufacturing facilities which accept off-site waste for treatment in all of its analyses unless the above mentioned conditions were met.

EPA contemplates that this approach would be implemented in the following manner. A facility that is currently subject to an ELG receives wastewater from off-site for treatment. The wastewater is commingled for treatment with wastewater generated on-site. If the off-site wastewater is subject to the same ELG as the onsite wastewater (or would be if treated where generated), the CWT limitations would not apply to the discharge associated with the off-site wastewater flows. In that case, another guideline or standard applies. If, however, the off-site wastewater is not subject to the same ELG (or if none exist) or if the off-site wastewater is not commingled with on-site wastewater for treatment, that portion of the discharge associated with off-site flow would be subject to CWT requirements. The portion of the commingled or non-commingled wastewater associated with on-site generated wastewater remains subject to applicable limitations and standards for the facility. Alternatively, EPA is considering an option that requires manufacturing facilities that treat off-site wastes to meet all otherwise applicable categorical limitations and standards. This approach would determine limitations and standards for the off-site wastewater using the "combined waste stream formula" or "building block approach" (see Chapter 14). EPA envisions the second alternative would be preferable for facilities which only receive continuous flows of process wastewaters with relatively consistent pollutant profiles from no more than five customers. The decision to base limitations in this manner would be at the permit writers discretion only.

In addition, there are manufacturing facilities that may not currently be subject to any effluent limitations guidelines or pretreatment standards. Some of these may accept off-site wastewater that is commingled for treatment with on-site process wastewater. Under EPA regulations, the permit writer would develop Best Professional

Judgement (BPJ) local limits for indirect dischargers for the on-site generated wastewater flows. The portion of the discharge resulting from the treatment of off-site flows would be subject either to CWT limitations and standards or to the same BPJ requirements as on-site flows. CWT limitations would apply if the off-site wastes treated at the facility were different from those generated on-site, whether or not the wastes were subject to existing guidelines and standards (or would be, if treated at the site where generated). Alternatively, applying either a building block or combined wastestream formula approach, on-site wastewater would be subject to BPJ limits or standards and the off-site categorical wastewater subject to categorical limits for the industry generating the wastewater.

Pipeline Transfers (Fixed Delivery Systems) *3.1.2*

As previously noted, the scope of EPA's 1995 proposal did not extend to facilities which received off-site wastes for treatment solely via an open or enclosed conduit (for example, pipeline, channels, ditches, trenches, etc.). At that time, EPA had concluded that facilities which receive all their wastes through a pipeline or trench (fixed delivery systems) from the original source of waste generation are receiving continuous flows of process wastewater with relatively consistent pollutant profiles. As such, EPA concluded that these wastes differ fundamentally from those received at centralized waste treatment facilities it had studied as part of this rulemaking.

The Agency received many comments on the proposal to limit the applicability of the proposed limits to wastewaters received other than by pipelines or fixed delivery systems. Many commented that this approach is arbitrary and that the mode of transportation should not be the determining factor as to whether or not a facility is included in the scope of the rule. Commenters asserted that the character of the waste remains unchanged regardless of whether it is trucked or piped to another facility for treatment. Many also questioned EPA's conclusion that piped waste is more consistent in strength and treatability from typical CWT wastewaters studied for this proposal.

EPA has reevaluated the database for this rule. EPA received questionnaire responses from four centralized waste treatment facilities which receive their wastestreams solely via pipeline. EPA also examined the database that was developed for the organic chemicals, plastics, and synthetic fibers (OCPSF) ELG to gather additional data on OCPSF facilities which also have centralized waste treatment operations. Based on the OCPSF database, 16 additional facilities are treating wastewater received solely via pipeline from off-site for treatment. A review of the CWT and OCPSF databases supplemented by telephone calls to selected facilities reveals that one facility no longer accepts wastes from off-site, one facility is now operating as a POTW, and 11 facilities only accept off-site wastes that were generated by a facility within the same category as on-site generated waste. (The latter facilities, under the criteria explained above, would no longer be within the scope of the proposed rule because they are already subject to existing effluent guidelines and standards.) Therefore, EPA identified 7 facilities which receive off-site wastes solely via pipeline which may be subject to this rulemaking.

Of these seven facilities, one is a dedicated treatment facility which is not located at a manufacturing site. The other six pipeline facilities are located at manufacturing facilities which are already covered by an existing ELG. All of the facilities are direct dischargers and all receive waste receipts from no more than five customers (many receive waste receipts from three or fewer customers).

Since the 1995 proposal, EPA conducted site

visits at two of these pipeline facilities. Information collected during these site visits confirmed EPA's original conclusion that wastes received by pipeline are more consistent in strength and treatability than "typical" CWT wastewaters. These wastewaters are traditional wastewaters from the applicable industrial category that generally remain relatively constant from day to day in terms of the concentration and type of pollutant parameters. Unlike traditional CWTs, their customers and wastewater sources do not change and are limited by the physical and monetary constraints associated with pipelines.

EPA has also reviewed the discharge permits for each of these pipeline facilities. EPA found that, in all cases, permit writers had carefully applied the "building block approach" in establishing the facility's discharge limitations. Therefore, in all cases, the treating facility was required to treat each of the piped wastewaters to comply with otherwise applicable effluent guidelines and standards.

Consequently, based on the information it has obtained to date, EPA continues to believe that (except as discussed below) wastes that are piped to waste treatment facilities should be excluded from the scope of the CWT rule and covered by otherwise applicable effluent guidelines and standards. The Agency has concluded that effluent limitations and pretreatment standards for centralized waste treatment facilities should not apply to pipeline treatment facilities. EPA believes that it is more appropriate for permit writers to develop limitations for treatment facilities that receive wastewater by pipeline on an individual basis by applying the "combined waste stream formula" or "building block" approach. The one exception to this approach is for facilities which receive waste via conduit (that is, pipeline, trenches, ditches, etc.) from facilities that are acting merely as waste collection or consolidation centers that are not the original source of the waste. These wastewaters would be subject to CWT. EPA has not identified any pipeline facility that is receiving waste from waste consolidators, but has received public comment that these facilities exist.

EPA notes that 40 CFR §122.44(m) of the Agency's NPDES permitting regulations require that an NPDES permit for a private treatment works must include conditions expressly applicable to any user, as a limited co-permittee, necessary to ensure compliance with applicable NPDES requirements. In the case of a pipeline treatment system, this may require that the permit writer include conditions in a permit issued to the pipeline treatment system and its users, as co-permittee, if necessary for the pipeline facility to comply with the applicable limitations. Alternatively, EPA may need to issue permits both to the private treatment works and to the users or require the user to file a permit application.

Product Stewardship *3.1.3*

Many members of the manufacturing community have adopted "product stewardship" programs as an additional service for their customers to promote recycling and reuse of products and to reduce the potential for adverse environmental impacts from chemical products. Many commenters on the proposal have defined "product stewardship" in this way: "taking back spent, used, or unused products, shipping and storage containers with product residues, off-specification products and waste materials from use of products." Generally, whenever possible, these manufacturing plants recover and reuse materials in chemical processes at their operations. Manufacturing companies that cannot reuse the spent, used, or unused materials returned to them treat these materials in their wastewater treatment plant. In industry's view, such materials are inherently compatible with the

treatment system. EPA received no specific information on these product stewardship activities in the responses to the 308 Waste Treatment Industry Questionnaire. EPA obtained information on this program from comment responses to the 1995 CWT proposal and in discussions with industry since the 1995 proposal. As part of their comment to the 1995 proposal, the Chemical Manufacturer's Association (CMA) provided results of a survey of their members on product stewardship activities. Based on these survey results, which are shown in Table 3.1 and Table 3-2, the vast majority of materials received under the product stewardship programs are materials received for product rework. A small amount is classified as residual recycling and an even smaller amount is classified as drum take backs. Of the materials received, the vast majority is reused in the manufacturing process. With few exceptions, all of the materials (which are not reused in the manufacturing process) that are treated in the on-site wastewater treatment systems, appear to be from the same categorical group as the on-site manufactured materials.

Table 3-1 Summary of the Frequency of the Types of Activities and Dispositions Reported

	Item	Number	% of Total[1]
Activity	Drum Returns	3	5%
	Residual Recycling	7	12%
	Product Rework	50	86%
	Other	2	3%
Disposition	Rework/Reuse	53	91%
	On-site Wastewater Treatment	22	38%
	Off-site Disposal	29	50%

[1]Based on information submitted by 33 CMA member facilities. Of these 33 members, 13 reported information concerning more than one product type, or activity. Therefore, the percentage of the total is based on 58 separate entries on the survey.

Table 3-2 Summary of Frequency of Each Product Class Reported by Facilities

Product Class	Number of Facilities	Percent of Total[1]
Polymers, Plastics, and Resins	17	52%
Organic Chemicals	6	18%
Solvents and Petroleum Products	3	9%
Inorganic Chemicals	4	12%
Pesticides	2	6%
Unspecified	4	12%

[1]Based on Responses from 33 CMA facilities.

EPA has decided that wastewater generated from materials which are taken back for recycling or reuse should be subject to the CWT regulation (except as discussed elsewhere). EPA applauds the efforts of manufacturing facilities to reduce pollution and the environmental impacts of their products and does not want to discourage these practices. In most of the instances stated in the product stewardship definition, manufacturing facilities are essentially taking back product which has not been utilized or has not been chemically altered. In these cases where the treatment of these wastes would be subject to current guidelines or pretreatment standards, under the approach discussed in Section 3.1.1, these wastewater flows would not be subject to CWT requirements.

EPA remains concerned, however, that there are circumstances in which used materials or waste products may not be compatible with the otherwise existing treatment system. Therefore, EPA is not proposing to remove all product stewardship activities from the scope of this rulemaking. Those activities that involve used products or waste materials that are not subject to effluent guidelines or standards from the same category as the on-site generated wastes are subject to today's proposal. Based on the information provided by manufacturing facilities, EPA believes that very few product stewardship activities would be subject to this rule. EPA's approach will not curtail product stewardship activities, in general, but will ensure that all wastes are treated effectively.

Solids, Soils, and Sludges *3.1.4*

EPA did not distinguish in its information gathering efforts between those waste treatment and recovery facilities treating aqueous waste and those treating non-aqueous wastes or a combination of both. Thus, EPA's 308 Waste Treatment Industry Questionnaire and related CWT Detailed Monitoring Questionnaire (DMQ) asked for information on CWT operations without regard to the type of waste treated. EPA's sampling program also included facilities which accepted both aqueous and solid wastes for treatment. In fact, the facility which formed the technology basis for the metals subcategory limitations selected at the time of the original proposal treats both liquid and solid wastes. As such, a facility that accepts wastes from off-site for treatment and/or recovery and which generates a wastewater is subject to the CWT rule regardless of whether the wastes are aqueous or non-aqueous. Therefore, wastewater generated in the treatment of solids received from off-site would be subject to the CWT rule.

As a further point of clarification, the main concern in the treatment or recycling of off-site "solid wastes" is that pollutants contained in the solid waste may be transferred to a process or contact water resulting in a wastewater that may require treatment. Examples of such wastewaters are:

- entrained water directly removed through dewatering operations (for example, sludge dewatering);
- contact water added to wash or leach contaminants from the waste material;
- stormwater that comes in direct contact with waste material; and
- solvent contaminated wastewater removed from scrap metal recycling.

The treatment or recovery of solids that remain in

solid form when contacted with water and which do not leach any chemicals into the water are necessarily not subject to this rule. Examples of excluded solids recovery operations are the recycling of aluminum cans, glass and plastic bottles.

Sanitary Wastes *3.1.5*

The CWT proposal would regulate facilities which treat, or recover materials from, off-site industrial wastes and wastewaters. Sanitary wastes such as chemical toilet wastes and septage are not covered by the provisions of the proposed CWT rule. EPA would expect that, permit writers would develop Best Professional Judgment limitations or local limits to establish site-specific permit requirements for any commercial sanitary waste treatment facility.

Similarly, sanitary wastes received from off-site and treated at an industrial facility or a centralized waste treatment facility are not covered by provisions of the CWT rule. If these wastes are mixed with industrial wastes, EPA would expect that, as is the case now with ancillary sanitary waste flows mixed for treatment at categorical facilities, the permit writer would establish Best Professional Judgment, site-specific permit requirements.

Transporters and/or Transportation Equipment Cleaners *3.1.6*

As proposed, the transportation equipment cleaning (TEC) regulation only applies to facilities that solely accept tanks which have been previously emptied or that contain a small amount of product, called a "heel", typically accounting for less than one percent of the volume of the tank. A facility which accepts a tank truck, rail tank car, or barge not considered to be empty for cleaning or treatment is not subject to the TEC Point Source Category, and may be subject to the provisions established for this rule.

There are some facilities which are engaged in traditional CWT activities and also engaged in traditional TEC activities. If the wastewaters from the two operations are commingled, under the approach adopted for the TEC proposal, the commingled TEC wastewater flow would be subject to CWT limits when promulgated. Therefore, a facility performing transportation equipment cleaning as well as other centralized waste treatment services that commingles these wastes is a centralized waste treatment facility. All of the wastewater discharges are subject to provisions of this rule. If, however, a facility is performing both operations and the wastestreams are not commingled (that is, transportation equipment cleaning wastewater is treated in one system and CWT wastes are treated in a second, separate system), both the TEC rule and CWT rules apply to the respective wastewaters.

As a further point of clarification, the CWT proposal would subject transportation equipment cleaning wastes received from off-site to its provisions. Transportation equipment cleaning wastes received from off-site that are treated at CWTs along with other off-site wastes *are* subject to provisions of this rule.

Publicly Owned Treatment Works (POTWs) *3.1.7*

The reproposed CWT pretreatment regulations would not themselves establish any requirements that apply directly to local POTWs that receive off-site wastes In the case of categorical wastes (subject to pretreatment standards in 40 CFR parts 400 to 471), the generator of the wastes must comply with any applicable standards before introducing the waste to the POTW regardless of whether the wastewater is discharged directly to the sewer or otherwise hauled to the POTW. Similarly, for non-categorical wastes, the generator would need to meet any applicable local limits regardless of

the mode of transportation to the POTW. As such, therefore, the proposed centralized waste treatment rule does not apply to POTWs.

EPA is aware of a POTW which plans to open a wastewater treatment system to operate in conjunction with their POTW operations. This CWT facility at a POTW will accept categorical wastewaters, treat them, and then discharge them to the POTW. As such, the CWT operation may be subject to provisions of this rule. It is not a POTW itself (even if the facility is located at the same site). In this case, the facility is operating as a centralized waste treatment facility and all discharges are subject to provisions of this rule.

Silver Recovery Operations from Used Photographic and X-Ray Materials 3.1.8

The proposal does not include electrolytic plating/ metallic replacement silver recovery operations of used photographic and x-ray materials within the scope of this rule. Based on the fundamental difference in technology used to recover silver at facilities devoted exclusively to treatment of photographic and x-ray wastes, the Agency has decided to defer proposing regulations for these facilities. The precipitation processes to recover silver used as the basis for its metal limits (including silver) is different from that most widely used to recover silver at facilities that treat only silver bearing wastes -- electrolytic plating followed by metallic replacement. Facilities which only perform centralized waste treatment silver recovery operations (electrolytic plating followed by metallic replacement) would not fall within the scope of today's proposal. Permit writers would use Best Professional Judgement or local limits to establish site-specific permit requirements. However, off-site wastes which are treated/recovered at these facilities through any other process and/or waste generated at these facilities as a result of any other CWT treatment/recovery process are subject to provisions of this rule.

Many commenters to the 1995 CWT proposal expressed concern over the inclusion in the metals subcategory of CWT operations that recover metals from used photographic materials and solutions and x-ray materials and solutions. Commenters were particularly concerned that they would be unable to meet the limitations established for silver in the metals subcategory. In general, commenters stated that the scope of the proposed rule should not include these operations. Reasons provided include:

- The metals subcategory limitations proposed for the CWT rule are not based on technologies typically used in silver recovery operations. Silver recovery facilities typically use electrolytic plating followed by metallic replacement with iron.
- The facility used to calculate the BAT silver limitation is engaged in a variety of recovery operations. This BAT treatment system does not reflect performance of facilities which solely treat silver-bearing wastes.
- Existing effluent guidelines should be sufficient. Many facility discharge permits are based on Part 421, effluent guidelines for non-ferrous metals manufacturing, Subpart L secondary silver subcategory. In addition, an effluent guideline also exists for the industry which is the primary source of the recovered materials -- Part 459 photographic point source subcategory.
- The Silver Coalition and the Association of Metropolitan Sewerage Agencies (AMSA) have prepared and issued recommendations on technology, equipment and management practices for controlling discharges from facilities that process photographic materials.
- It is not economical or efficient for these waste streams to be recovered on-site due to their small volume. If this rule were enacted, many of the CWTs processing used

photographic materials would discontinue this operation and silver recovery operations would decrease greatly.

Based on information provided by the industry, EPA estimates that there are 360,000 photographic and image processing facilities which generate silver bearing wastes. Many of these facilities generate very small volumes of silver bearing waste which would not be economical or efficient to recover on site. Thus, there exists a large potential for facilities to consolidate and treat silver bearing photographic waste from various sources.

EPA believes that the off-site shipment of silver bearing photographic wastestreams for the purpose of consolidation and recovery is beneficial and does not wish to discourage this practice. EPA encourages the segregation of wastestreams as this leads to more efficient recovery. EPA is aware that some of these consolidated wastestreams are treated at typical CWTs and some are treated at facilities which treat photographic wastestreams only. While EPA has promulgated effluent guidelines for non-ferrous metals manufacturing and the photographic point source categories (40 CFR 421, Subpart L and 40 CFR 459, respectively), the majority of these centralized silver recovery facilities are not currently subject to any effluent guideline.

EPA agrees with proposal commenters that the BAT system selected at the time of the original proposal does not reflect performance of facilities which solely treat silver-bearing wastes. Although the facility which formed the technology basis for the 1995 proposed BAT limitations was engaged in recovering silver from photographic wastestreams, EPA does not have information in its database on facilities which perform centralized waste treatment of photographic wastestreams only.

High Temperature Metals Recovery 3.1.9

During the development of the 1995 proposal, EPA did not include facilities which perform high temperature metals recovery (HTMR) within the scope of this rule. EPA is aware of three facilities in the U.S. which utilize the HTMR process. High temperature metals recovery facilities generally take solid forms of various metal containing materials and produce a remelt alloy which is then sold as feed materials in the production of metals. These facilities utilize heat-based pyrometallurgical technologies, not the water-based precipitation/filtration technologies used throughout the CWT industry. Based on questionnaire responses and industry comments, the HTMR process does not generate wastewater.

For these reasons, the high temperature metals recovery operations have been excluded from provisions of the CWT rule. Facilities which only perform high temperature metals recovery are not subject to this rule. However, off-site wastes which are treated/recovered at these facilities through any other process and/or wastes generated at these facilities as a result of any other CWT treatment/ recovery process are subject to the provisions of this rule.

As noted, EPA's data show that HTMR operations generate no process wastewater. Accordingly, EPA is also considering whether this rule, when promulgated, should include a subcategory for HTMR operations with a zero discharge requirement.

Landfill Wastewaters ***3.1.10***

EPA proposed effluent guidelines and pretreatment standards for Landfills, 40 CFR Part 445, on February 6, 1998 (63 FR 6426-6463). There, EPA explains how it proposed to treat categorical facilities that mix and treat categorical wastewater with wastewater from on-site landfills. EPA proposed to subject the mixed wastewater to the applicable categorical limits and not the proposed landfill limits. In the CWT industry, there are some facilities which are engaged both in CWT activities and in operating an on-site landfill(s). EPA is proposing to evaluate the mixture of CWT wastewater and landfill wastewater in the same way considered for the proposed landfill guidelines. Therefore, a facility performing landfill activities as well as other centralized waste treatment services that commingles the wastewaters would be a centralized waste treatment facility and all of the wastewater discharges would be subject to the provisions of this rule when promulgated. If a facility is performing both operations and the wastestreams are not commingled (that is, landfill wastewaters are treated in one treatment system and CWT wastewaters are treated in a second, separate, treatment system), the provisions of the Landfill rule and CWT rule would apply to their respective wastewaters.

Additionally, under the approach proposed for the Landfills rulemaking, centralized waste treatment facilities which are dedicated to landfill wastewaters only, whether they are located at a landfill site or not, would be subject to the effluent guidelines limitations and pretreatment standards for landfills when promulgated. These dedicated landfill centralized waste treatment facilities would not be subject to provisions of the centralized waste treatment rulemaking.

As a further point of clarification, landfill wastewaters are not specifically excluded from provisions of this rule. Landfill wastewaters that are treated at CWTs along with other off-site wastestreams *are* subject to provisions of this rule. Furthermore, a landfill that treats its own landfill wastewater and off-site landfill wastewater would be subject to the proposed Landfill limits when promulgated in the circumstance described in 3.1.1 above.

Industrial Waste Combustors ***3.1.11***

EPA proposed effluent guidelines and pretreatment standards for Industrial Waste Combustors, 40 CFR Part 444 on February 6, 1998 (63 FR 6392-6423). There, EPA explains how it proposed to treat categorical facilities that mix and treat categorical wastewater with wastewater from on-site industrial waste combustion. EPA proposed to subject the mixed wastewater to the applicable categorical limits and not the proposed industrial waste combustors limits. In the CWT industry, there are some facilities which are engaged both in CWT activities and in industrial waste combustion. EPA is proposing to evaluate the mixture of CWT wastewater and industrial waste combustion wastewater in the same way considered for the proposed industrial waste combustors guidelines. Therefore, a facility performing industrial waste combustion activities as well as other centralized waste treatment services that commingles the wastewaters would be a centralized waste treatment facility and all of the wastewater discharges would be subject to the provisions of this rule when promulgated. If a facility is performing both operations and the wastestreams are not commingled (that is, industrial waste combustion wastewaters are treated in one treatment system and CWT wastewaters are treated in a second, separate, treatment system), the provisions of the Industrial Waste Combustor rule and CWT rule would apply to their respective wastewaters

As a further point of clarification, industrial

waste combustor wastewaters are not specifically excluded from provisions of this rule. Industrial waste combustor wastewaters that are treated at CWTs along with other off-site wastestreams *are* subject to provisions of this rule. Furthermore, an industrial waste combustor that treats off-site industrial waste combustor wastewater would be subject to the proposed Industrial Waste Combustor limits when promulgated in the circumstances described in 3.1.1 above.

Solvent Recycling/Fuel Blending 3.1.12

The solvent recycling industry was studied by the EPA in the 1980s. EPA published the "Preliminary Data Summary for the Solvent Recycling Industry" (EPA 440/1-89/102) in September 1989 which describes this industry and the processes utilized. This document defines solvent recovery as "the recycling of spent solvents that are not the byproduct or waste product of a manufacturing process or cleaning operation located on the same site." Spent solvents are generally recycled in two main operations. Traditional solvent recovery involves pretreatment of the wastestream (in some cases) and separation of the solvent mixtures by specially constructed distillation columns. Wastewater discharges resulting from this process are subject to effluent limitations guidelines and standards for the organic chemicals industry (40 CFR 414). As such, wastewaters resulting from traditional solvent recovery operations as defined above are not subject to this effluent guideline.

Fuel blending is the second main operation which falls under the definition of solvent recovery. Fuel blending is the process of mixing wastes for the purpose of regenerating a fuel for reuse. At the time of the 1995 proposal, fuel blending operations were excluded from the CWT rule since EPA believed the fuel blending process was "dry" (that is, no wastewaters were produced). Based on comments to the original proposal and the Notice of Data Availability, EPA has concluded that this is valid and that true fuel blenders do not generate any process wastewaters and are therefore zero dischargers. EPA is concerned, however, that the term "fuel blending" may be loosely applied to any process where recovered hydrocarbons are combined as a fuel product. Such operations occur at nearly all used oil and fuel recovery facilities. Therefore, fuel blending operations as defined above would be excluded from the CWT rule providing that the operations do not generate a wastewater. In the event that wastewater is generated at a fuel blending facility, the facility is most likely performing some pretreatment operations (usually to remove water). These pretreatment wastewaters would be subject to this rule.

Re-refining 3.1.13

When EPA initially proposed guidelines and standards for CWTs, the regulations would have limited discharges from used oil reprocessors/reclaimers but did not specifically exclude discharges from used oil re-refiners. During review of information received on the proposal and assessment of the information collected, the Agency, at one point, considered limiting the scope of this regulation to reprocessors/reclaimers only. However, further data gathering efforts have revealed that the principal sources of re-refining wastewaters are essentially the same for reprocessors/reclaimers and re-refiners. Consequently, the re-refining wastewater is included within the scope of this proposal.

The used oil reclamation and re-refining industry was studied by EPA in the 1980s. EPA published the "Preliminary Data Summary for the Used Oil Reclamation and Re-Refining Industry" (EPA 440/1-89/014) in September 1989 which describes this industry and the processes utilized.

This document generally characterizes the industry in terms of the types of equipment used to process the used oil. Minor processors (reclaimers) generally separate water and solids from the used oil using simple settling technology, primarily in-line filtering and gravity settling with or without heat addition. Major processors (reclaimers) generally use various combinations of more sophisticated technology including screen filtration, heated settling, centrifugation, and light fraction distillation primarily to remove water. Re-refiners generally use the most sophisticated systems which generally include, in addition to the previous technology, a vacuum distillation step to separate the oil into different components.

This proposal applies to the process wastewater discharges from used oil re-refining operations. The principal sources of wastewater include oil-water gravity separation (often accompanied by chemical/thermal emulsion breaking) and dehydration unit operations (including light distillation and the first stage of vacuum distillation).

Used Oil Filter Recycling ***3.1.14***

EPA did not obtain information on used oil filter recycling through the Waste Treatment Industry Questionnaire. However, in response to the September 1996 Notice of Data Availability, EPA received comments from facilities which recycle used oil filters. In addition, EPA also visited several used oil reprocessors that recycle used oil filters as part of their operations.

Used oil filter recycling processes range from simple crushing and draining of entrained oil to more involved processes where filters are shredded and the metal and filter material are separated. In all cases, the oil is recycled, the crushed filters and separated metal are sent to smelters, and the separated filter material is recovered as solid fuel. Also, in all cases observed, the operations generate no process wastewater. Therefore, based on this characterization, used oil filter recycling operations would be not be subject to the provisions of the CWT rule as proposed today. EPA is also considering whether this rule, when promulgated, should include a subcategory for used oil filter recycling with a zero discharge requirement for such operation.

Marine Generated Wastes ***3.1.15***

EPA received many comments on the original proposal relating to marine generated wastes. Since these wastes are often generated while a ship is at sea and subsequently off-loaded at port for treatment, the treatment site could arguably be classified as a CWT due to its acceptance of "off" site wastes. Commenters, however, claimed that marine generated wastes should not be subject to the CWT rule for the following reasons:

- Unlike most CWT wastestreams, bilge and/or ballast water is generally dilute and not toxic; and
- Most of the bilge water is generated while the ship is docked. If only the small portion of bilge water contained in the ship upon docking is subject to regulation, it would be expensive and inefficient to monitor only that small portion for compliance with the CWT rule.

EPA reexamined its database concerning these wastes as well as additional data on the characteristics of these types of wastes provided through comments to the 1995 proposal. Based on data provided by industry on bilge and ballast water characteristics, bilge and ballast water can vary greatly in terms of the breadth of analytes and the concentration of the analytes from one ship to another. In most instances, the analytes and concentrations are similar to those found in

wastes typical of the oils subcategory. EPA found that while some shipyards have specialized treatment centers for bilge and/or ballast wastes, some of these wastes are being treated at traditional CWTs.

For purposes of this rule, EPA is defining a marine generated waste as waste generated as part of the normal maintenance and operation of a ship, boat, or barge operating on inland, coastal or open waters. Such wastes include wash water from equipment and tank cleaning, ballast water, bilge water, and other wastes generated as part of routine ship maintenance. EPA has determined that a waste off-loaded from a ship shall be considered as being generated on-site at the point where it is off-loaded provided that the waste is generated as part of the routine maintenance and operation of the ship on which it originated. The waste will not be considered an off-site generated waste as long as it is treated and discharged at the ship servicing facility where it is off-loaded. Therefore, these facilities would not be considered centralized waste treatment facilities. If, however, marine generated wastes are off-loaded and subsequently sent to a centralized waste treatment facility at a separate location, these facilities and their wastestreams would be subject to provisions of this rule.

Stabilization *3.1.16*

In the original CWT proposal, waste solidification/stabilization operations were specifically not subject to the CWT rule. The reason stated for EPA's conclusion was that these operations are "dry" and do not generally produce a wastewater. EPA reexamined its database and concluded that this assessment remains valid. As such, stabilization/ solidification processes are not subject to the CWT rule as proposed today. If, however, the stabilization/solidification facility produces a wastewater from treatment and /or recovery of off-site wastes through any other operation, those wastewaters would be subject to the CWT rule. EPA is also considering whether this rule, when promulgated, should include a subcategory for stabilization operations with a zero discharge requirement.

Grease Trap/Interceptor Wastes *3.1.17*

EPA received comments on coverage of grease, sand, and oil interceptor wastes by the CWT rule during the comment period for the original proposal and 1996 Notice of Data Availability. Some of these wastes are from non-industrial sources and some are from industrial sources. Some are treated at central locations designed to exclusively treat grease trap/interceptor wastes and some of these wastes are treated at traditional CWTs with traditional CWT wastes.

Throughout the development of this rule, EPA has maintained that this rule is designed to cover the treatment and/or recovery of off-site *industrial* wastes. As such, as proposed today, grease/trap interceptor wastes do not fall within the scope of the proposal. Grease trap/interceptor wastes are defined as animal or vegetable fats/oils from grease traps or interceptors generated by facilities engaged in food service activities. Such facilities include restaurants, cafeterias, and caterers. Excluded grease trap/interceptor wastes should not contain any hazardous chemicals or materials that would prevent the fats/oils from being recovered and recycled. Wastewater discharges from the centralized treatment of wastes produced from oil interceptors, which are designed to collect petroleum-based oils, sand, etc. from industrial type processes, would be subject to this rule.